

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA**

Paul Gilbert Henkle JR

Plaintiff

(Write your full name. No more than one plaintiff may be named in a complaint.)

-v-

Case No.

3:18-cv-2073-ACA-HNJ
(to be filled in by the Clerk's Office)

Vicky White
Charles Woods
Lauderdale Detention County Center
Lauderdale County Sheriff's Office

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all of the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here. Your complaint may be brought in this court only if one or more of the named defendants is located within this district.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis*.

Mail the original complaint and the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis* to the Clerk of the United States District Court for the Northern District of Alabama, Room 140, Hugo L. Black U.S. Courthouse, 1729 5th Avenue North, Birmingham, Alabama 35203-2195.

I. The Parties to this Complaint**A. The Plaintiff**

Provide the information below for the plaintiff named in the complaint.

Name

Paul Gilbert Henkle Jr.All other names by which
you have been known:P.J.

ID Number

187644

Current Institution

Lauderdale County Detention Center

Address

653 S. Seminary St.FlorenceAL35630

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Vicky WhiteJob or Title (*if known*)Assist Director

Shield Number

Lauderdale Sheriff's office

Employer

653 S. Seminary St.

Address

FlorenceAL35630

City

State

Zip Code

 Individual Capacity Official Capacity

Defendant No. 2

Name

Charles WoodsJob or Title (*if known*)Sgt./Supervisor

Shield Number

Lauderdale Sheriff's office

Employer

653 S. Seminary St.

Address

FlorenceAL35630

City

State

Zip Code

 Individual Capacity Official Capacity

Defendant No. 3

Name

Lauderdale Detention County CenterJob or Title (*if known*)Administration

Shield Number

Employer

Lauderdale County Sheriff's Office
653 S. Seminary St.

Address

Florence AL 35630

City

State

Zip Code

 Individual Capacity Official Capacity

Defendant No. 4

Name

Lauderdale County Sheriff's OfficeJob or Title (*if known*)Lauderdale County Sheriff's Office

Shield Number

653 S. Seminary St.

Employer

Florence AL 35630

Address

City

State

Zip Code

 Individual Capacity Official Capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal law]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*): Federal officials (a *Bivens* claim) State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities, secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Eighth amendment: cruel and unusual punishment

Basis for Jurisdiction

Defendant

#1 • Not replying back to the grievance that I wrote and she having the power to give me the items I suppose to have, already her office to give them to me, and having a inmate sleeping on the floor.

Defendant

#2. Mr. Woods, not replying back to the grievance and not giving me the items I suppose to have by being a private.

Defendant

#3. ~~PB:~~ Lauderdale administration not looking into the problem and giving me what the standards of the jail is suppose to give inmates properly training, staff on what to do.

Defendant

#4. Not properly training the administration to there county for the house in inmates, and not properly showing them the steps ~~if~~ if the jail is over crowded, an don't have nothing to give the inmates.

C. Plaintiffs suing under *Bivens* may only recover for violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See Attach page

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- Pretrial Detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner

Other (explain) I Sent one fax and I was a Pretrial Detainee, now I just got sentenced PA this County Dec. 7, 2018. I sent one fax on Nov. 16, 2018. It was lost, thus had to submit another one 1983 form.

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

On the Attach page

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

On the Attach page

IV Statement of claim

Defendants

#1

A. N/A

B. Lauderdale county Detention center, Bedding and A-E pod.

C. July, 25, 2018 3:26 pm and July, 25, 2018 3:39 pm.

D. MS, White the No.1 Defendant on the claim. I wrote her on the tablet on the grievance, asking her why I didn't have anything I suppose to have as to arriving at the fall, and I got into the cell of A-E which is on cameras, and white William S. Larson III inmate # 184075 seen that I came in without anything and sleeping on the floor.

Defendants

#2

A. N/A

B. Lauderdale county Detention center, and this happen when I was in the cell on the tablet.

C. Aug-7-2018 9:22am

D. on the back side

C. July 25, 2018 around 12:00pm

D. The sheriff's administrator hire the administration
at the Lauderdale County Detention Center without
properly training to the jail guideline

C. What date and approximate time did the events giving rise to your claim(s) occur?

On the attach page

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

On the attach page.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries in detail.

Pain to my back, cause of not having a mattress
and a bed to sleep on.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Defendant #1 Pain and suffering; cruel and unusual punishment.
Payment of \$50,000.00 (Ticket #01971473 and #1971619

Defendant #2. Pain and suffering & cruel & unusual
punishment. Payment of \$50,000.00
Ticket #01971473

Defendant #3 cruel and unusual punishment, and
Pain and suffering. Payment of \$50,000.00

Defendant #4. cruel and unusual punishment and
Pain and suffering payment of \$50,000.00

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes
 No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Lauderdale County Detention Center

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes
 No
 Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes
 No
 Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

Lauderdale County Detention center in the tablet.

2. What did you claim in your grievance?

that I have know mattress or sheets that I am suppose to have

3. What was the result, if any?

KPH + reply back PH No reply back

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I wrote to the administration Assistant Director Ms. White and Supervisor Sgt. Woods and I didn't get nothing back from the grievance case #019714793-July, 25, 18, #019716043 July, 25, 18, and #020735193 Aug, 7, 18. I did my part of the grievance procedures.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

They never reply back to nothing I had
to say about this matter and I was shot ^{before} coming to get

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had any cases dismissed based on grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted?

Yes

No

If yes, state which court dismissed your case(s), when this occurred, and attach a copy of the order(s) if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition. N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Printed Name of Plaintiff

Paul Gilbert Henkle Jr

Prison Identification #

187698

Prison Address

653 S.Seneca St.

Florence

City

State

AL

35630

Zip Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

12-11-2018

(Date)

Paul Henkle

Signature of Plaintiff